

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENRY TUCKER, *on behalf of himself and
all other persons similarly situated*,

Plaintiff,

v.

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

19-CV-9842 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On June 29, 2020, the Court granted the motion to dismiss without prejudice, and two days later, on July 1, 2020, granted a stay of this action pending the Second Circuit's resolution of the consolidated appeal captioned *Mendez v. Ann Taylor, Inc.*, No. 20-1550. On June 2, 2022, the Second Circuit issued a decision in the consolidated appeal *Calcano v. Swarovski North America Limited, et al.*, Case No. 20-1552.¹

Accordingly, Plaintiff shall file an amended complaint by September 5, 2022, to the extent he has a good-faith basis to do so.

SO ORDERED.

Dated: August 8, 2022
New York, New York



RONNIE ABRAMS
United States District Judge

¹ The *Mendez* appeal was voluntarily dismissed and severed from the consolidated appeal on July 31, 2020.